

only on a proportional basis.

The main characteristics of proportional systems include:

- the counting and seat determination processes that are generally complex and not immediately transparent;
- the principle that candidates are elected based on the total percentage of votes cast for their party.

The mixed electoral system combines the elements of both majority and proportional systems. A classic example of a mixed electoral system is that of Germany, where one half of the Bundestag deputies is elected by party lists, and the other half is elected under plurality/majority system.

The main characteristics of mixed systems comprise the following ones:

- creating a professional parliament with the membership reflecting the balance of the political forces in the society;
- strengthening of the political parties due to the fact that the seats in the parliament are distributed on a proportional basis;
- maintaining the continuity of the old and new political systems, supporting political traditions, since the use of the majority electoral system keeps on the chances of creating a stable one-party government;

In conclusion it is necessary to emphasize that there are no good or bad electoral systems. Each system has both advantages and disadvantages over the other types. Further research of electoral systems is important for defining the main tendencies in the development of the institute of elections and working out the most effective forms of running elections.

References

1. Кирпичев О. А. Конституційне право зарубіжних країн: підручник / О. А. Кирпичев. – Донецьк, 2006 – 370 с.
2. Рибаків А. В. Виборче право і виборчі системи / А. В. Рибаків. // Перспективи Соціально-політичний журнал. – 1998. – С. 117.
3. Балабан Р. В. Теорія виборчої системи / Р. В. Балабан. – К.: Либідь, 2007. – 112 с.

PUBLIC-PRIVATE PARTNERSHIP

Kilimnik Inna, associate professor, PhD (Law)

O. M. Beketov National University of Urban Economy in Kharkiv,

Public-private partnership in Ukraine is a form of collaboration between the state of Ukraine, territorial communities in the person of relevant state authorities and local government bodies (public partners) and legal persons other than public and communal enterprises or physical persons - entrepreneurs (private partners) implemented on the basis of the agreement. The cooperation is provided in accordance with the procedures established by the Law “On Public-Private Partnership” and other legal acts of Ukraine.

A private partner in the agreement concluded under the public-private partnership may be presented by several persons, who may act as private partners in

compliance with this Law. Such persons share the responsibility and obligations specified by the agreement concluded under the public-private partnership.

Features of the public-private partnership include:

- manifestation of better technical and economic indicators of the effective activities as compared to implementation of the same activity by the public partner without involvement of the private partner;
- long-term relations (from 5 to 50 years);
- transfer of a part of risks to the private partner while implementing the public-private partnership;
- investments of the private partner into the partnership objects from the sources not forbidden by the law.

The basic principles of the public-private partnership implementation will include:

- equality of the public and private partners before law;
- prohibition of any discrimination of the rights of public or private partners;
- accommodation of interests of the public and private partners in order to receive mutual benefit;
- invariance of the targeted designation and ownership category of the objects transferred to the private partner but owned by the public or communal sector;
- recognition by the public and private partners rights and obligations specified by the law of Ukraine and stipulated by the conditions of the agreement concluded under the public-private partnership;
- fair sharing between the public and private partners of risks associated with implementation of the agreements concluded under the public-private partnership;
- identification of the private partner on the competitive basis except for cases specified by the law.

The public-private partnership will be applied in the following spheres:

- prospecting and extraction of mineral resources;
- production, transportation and supply of heat;
- distribution and supply of natural gas;
- construction and/or exploitation of highways, roads, railways, airport runways, bridges, overhead roads, tunnels and undergrounds, sea and river ports and their infrastructure;
- machine building;
- water collection, purification and distribution;
- health care;
- tourism, recreation, culture and sport;
- provision of functioning of irrigation and drainage systems;
- waste disposal;
- production, distribution and supply of electric energy;
- real estate management.

The public-private partnership may be applied in other spheres of economic activities with the exception of those legally permitted and assigned exclusively to the public enterprises, institutions and organizations. The public-private partnership is

applied with a due respect to legal regulation of specific objects and activities stipulated in the law.

ON THE QUESTION OF THE RESALE RIGHT AND RIGHT TO REMUNERATION AS PROPERTY COPYRIGHTS

SOPHIA KLYMCHUK, 2^d year student

MYKOLA OPRYSKO, Associate professor, PhD (Law)

LILY KUZNETSOVA, Associate professor, PhD (Philology)

Lviv Ivan Franko National University

In most cases, the creators of copyrighted works create their works to obtain certain benefits for themselves or their loved ones. Therefore, the state should provide an opportunity for authors to receive this benefit. To do this, law recognizes author's economic rights, important in its significance. But the current legislation does not provide an exhaustive list of property rights, therefore also may be some ambiguity.

The relevance of this research is that the property rights of the author guarantee for creator not only the possibility of obtaining economic benefits of the work, but also guard intellectual and personal relationship with the work that is essential to protect the rights of the author in a modern democratic society.

The main objective of the research is to analyze the legislative norms that regulate the scope of the property rights of the author, as well as the interpretation of these rules in the light of theoretical research.

Author's property rights are realized in the exclusive rights to the product. The exclusive right means that any person other than the one that owns the copyright or related right shall not use work, not having a permit, except as prescribed by law. According to Article 440 of the Civil Code of Ukraine (hereinafter - CCU) author has the exclusive right to use the work in any form and in any manner that does not conflict with applicable law. Exclusive property rights allow the author or the author's heirs control the use of works by third parties.

To understand what rights belong to the author's property rights, we propose to apply to classifications of intellectual property rights, which are found in legislation and in the national literature. Under Article 440 of the Civil Code proprietary copyrights shall be:

- 1) the right to use the work;
- 2) the exclusive right to permit to use the work;
- 3) the right to prevent unlawful use of the work, including prohibition of such use;
- 4) other proprietary rights of intellectual property established by the law.

It remains an open question as to "other proprietary rights of intellectual property" because the law does not provide exclusive list of them. Art. 445 and Art. 448 CCU points to such intellectual property rights as the author's right to reimbursement for his work use (hereinafter - the right to remuneration for the use) and the author's right in the sales share of the work's original (hereinafter - the resale